

AMENDED IN SENATE SEPTEMBER 3, 2003

AMENDED IN SENATE AUGUST 18, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 935**

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**Introduced by Assembly Member Diaz**

February 20, 2003

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An act to add Chapter 9 (commencing with Section 100600) to Part 12 of Division 10 of the Public Utilities Code, relating to transportation.

### LEGISLATIVE COUNSEL'S DIGEST

AB 935, as amended, Diaz. Santa Clara Valley Transportation Authority: benefit assessments.

Existing law creates the Santa Clara Valley Transportation Authority with various powers and duties related to the operation of rail and bus transit services in Santa Clara County. Existing law specifies the process for establishment of benefit assessment districts by the Los Angeles Metropolitan Transportation Authority (LAMTA) under which benefit assessments are levied on certain property in the vicinity of rail transit lines, with proceeds from the assessments to be used for rail facilities and services. Under these provisions, LAMTA is also authorized to issue revenue bonds to be repaid from the assessments.

This bill would enact similar provisions authorizing the Santa Clara Valley Transportation Authority to establish benefit assessment districts relative to its rail lines and to issue revenue bonds in that regard.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 9 (commencing with Section 100600) is added to Part 12 of Division 10 of the Public Utilities Code, to read:

CHAPTER 9. BENEFIT ASSESSMENT DISTRICTS

100600. The Legislature finds and declares that:

(a) It is necessary and in the best interest of the citizens of the state to authorize the Santa Clara Valley Transportation Authority to levy special benefit assessments for needed public rail rapid transit facilities and services on the property that benefits from those facilities and services.

(b) The rail rapid transit facilities and services provide special benefits to parcels of land, and improvements thereon, in the vicinity of rail rapid transit stations, and provide general benefits to the community at large. The Board of Directors of the Santa Clara Valley Transportation Authority shall be the conclusive judge of the proportion of special and general benefits produced by the facilities and of the distribution of the special benefits among parcels of property within the benefit assessment district.

100601. (a) Whenever the board finds that property adjacent to, or in the vicinity of, one or more rail transit stations, or proposed rail transit stations, of the authority receives or will receive special benefit by reason of the location or operation of one or more of those rail transit stations, the board may, by resolution adopted by a two-thirds vote of its members, provide for notice and hearing on its intention to establish one or more special benefit districts. If the board proposes to levy a special benefit assessment on real property therein for the purpose of financing, in whole or in part, the acquisition, construction, development, joint development, operation, maintenance, or repair of one or more rail transit stations and rail transit related facilities located within the benefit district, the board shall comply with the notice, protest, and hearing procedures set forth in Section 53753 of the Government Code.

(b) For purposes of this chapter, “benefit district” means a special benefit assessment district established pursuant to this chapter, the area of which shall not lie more than one-half mile

1 from the center point of any rail transit station or proposed rail  
2 transit station.

3 (c) The resolution may provide that the proposed benefit  
4 district will contain separate zones, which may consist of either  
5 contiguous or noncontiguous areas of land within the district. The  
6 proposed benefit district and each proposed zone, if any, therein  
7 shall be an area adjacent to, or in the vicinity of, one or more rail  
8 transit stations or proposed rail transit stations. The boundaries of  
9 the benefit district and of each zone, if any, therein shall be drawn  
10 so as to reflect, as accurately as possible, the areas in which special  
11 benefits are conferred by reason of the proximity and operation of  
12 one or more rail transit stations.

13 (d) The notice stating the time and place of the hearing, and  
14 setting forth the boundaries and purpose of the proposed benefit  
15 district, shall be published prior to the time fixed for the hearing  
16 pursuant to Section 6066 of the Government Code.

17 (e) Notice shall also be mailed at least 30 days prior to the  
18 hearing to all owners of real property within the boundaries of the  
19 proposed benefit district whose names and addresses appear on the  
20 last equalized assessment roll or are otherwise known to the board  
21 of supervisors of the county in which the proposed benefit district  
22 is located or to the authority.

23 (f) For purposes of this chapter, “transit related facilities”  
24 means land, buildings, and equipment, or any interest therein,  
25 whether or not the operation thereof produces revenue, which has,  
26 as its primary purpose, the operation of the rail transit system or  
27 the providing of services to the passengers of the rail transit  
28 system, but does not mean any land, buildings, or equipment, or  
29 interest therein, which is used primarily for the production of  
30 revenue not arising from the operation of the rail transit system.

31 100601.5. (a) At the time and place fixed for the hearing on  
32 the establishment of the benefit district, or at any time and place  
33 to which the hearing is adjourned, the board shall proceed with the  
34 hearing. At the hearing, interested persons may appear and present  
35 matters material to the proposed board action. At the conclusion  
36 of the hearing, the board shall, by a resolution adopted by a  
37 two-thirds vote of its members, determine whether to proceed with  
38 the proposed action.

39 The resolution shall state, as appropriate, the maximum and  
40 minimum rate of assessment, the amount of the special benefit

1 assessment and the purposes for which it is to be levied, the  
2 estimated cost of accomplishing the purposes, and the dates or  
3 approximate intervals at which the assessment shall be levied. The  
4 resolution shall also state that the exterior boundaries of the benefit  
5 district are set forth on a map on file with the secretary of the  
6 authority, which map shall govern for all purposes as to the extent  
7 of the benefit district and zones, if any, therein and that the area set  
8 forth on the map shall thereupon constitute and be known as  
9 “Benefit District No. \_\_\_\_ of the Santa Clara Valley  
10 Transportation Authority,” or as “Benefit Zone \_\_\_\_ of the  
11 Benefit District No. \_\_\_\_ of the Santa Clara Valley Transportation  
12 Authority,” as designated by the board.

13 (b) The resolution shall be submitted to the governing body.  
14 The governing body shall, after a public hearing conducted by the  
15 governing body and prior to the creation of the benefit district,  
16 approve, or amend and approve, as amended, or disapprove the  
17 geographic boundaries of the benefit district and the method of  
18 assessment. The resolution of approval or disapproval from the  
19 governing body shall be returned to the board.

20 (c) The board shall, by a two-thirds vote of its members,  
21 determine whether to create the benefit district as approved by the  
22 governing body. If the board decides to proceed with creating the  
23 benefit district as approved by the governing body, the board may,  
24 in addition to any amendments made by the governing body,  
25 reduce the size of the benefit district, but in so doing shall not  
26 include any territory not included in the benefit district approved  
27 by the governing body nor change the approved method of  
28 assessment. The determination by the board is final and  
29 conclusive.

30 (d) For purposes of this section, “governing body” means the  
31 city council of a city in which the proposed benefit district is  
32 located or, if the benefit district is located in unincorporated  
33 territory, the board of supervisors of the county in which the  
34 proposed benefit district is located.

35 (e) The board may provide in the resolution, or in a later  
36 resolution, for changes in the assessment to particular real property  
37 within the benefit district or any zone therein in accordance with  
38 the provisions of Section 53753 of the Government Code.

39 100602. (a) In determining the amount of a special benefit  
40 assessment, the board shall measure the benefit to real property in

1 the benefit district or zones therein according to the procedures and  
2 approval process set forth in Section 4 of Article XIII D of the  
3 California Constitution.

4 (b) The special benefit assessment constitutes a charge  
5 imposed on particular real property for an authority project of  
6 direct benefit to that property, and does not constitute ad valorem  
7 taxes or any other form of general tax levy applying a given rate  
8 to the assessed valuation of all taxable property within the  
9 authority.

10 (c) The authority shall possess all powers necessary for,  
11 incidental to, or convenient for, the collection, enforcement,  
12 administration, or distribution of the special benefit assessment in  
13 accordance with California law.

14 (d) The revenue from a special benefit assessment, which is  
15 imposed pursuant to this chapter, or from bonds secured by such  
16 a special benefit assessment, for the purpose of financing a rail  
17 transit station or rail transit related facility located within the  
18 benefit district, shall be used only for financing of the facility for  
19 which it was levied, and that revenue shall not be used for any other  
20 purpose or the payment of any other expense of the authority,  
21 including, but not limited to, transit, transportation, or operating  
22 expense.

23 ~~100602.1. The board may order benefit assessment without an~~  
24 ~~election, except as otherwise provided in Section 100602.2.~~

25 100602.2. An election shall be held if the board finds that a  
26 petition requesting that the proposal *to form a benefit district* be  
27 submitted to confirmation by the voters has been signed by the  
28 owners of at least 25 percent of the assessed value of real property  
29 within the benefit district.

30 100602.3. For purposes of this chapter, “voter” means an  
31 owner of real property which is assessed or proposed to be assessed  
32 under this chapter and which is within the boundaries of the benefit  
33 district.

34 100602.4. (a) Where land in the benefit district is owned in  
35 joint tenancy, tenancy in common, or any other multiple  
36 ownership, the owners of that land shall designate in writing which  
37 one of the owners shall be deemed the owner of that land for  
38 purposes of qualifying as a voter.

(b) The legal representative of a corporation or an estate owning real property in the benefit district may act on behalf of the corporation or the estate.

(c) (1) For purposes of this chapter, “legal representative” means an official of a corporation owning real property in the benefit district.

(2) For purposes of this chapter, “legal representative” also means a guardian, conservator, executor, or administrator of the estate of the holder of title to real property in the benefit district who is all of the following:

(A) The person is appointed under the laws of this state.

(B) The person is entitled to the possession of the estate’s real property.

(C) The person is authorized by the appointing court to exercise the particular right, privilege, or immunity which he or she seeks to exercise.

(d) Before a legal representative acts as a voter at a district election, the legal representative shall present to the precinct board a certified copy of his or her authority which shall be kept and filed with the returns of the election.

100602.5. The petition for confirmation by the voters shall be filed with the board within 30 days after the conclusion of the public hearing required by Sections 100601 and 100601.5. If a petition meeting the requirements of Section 100602.2 is filed, the board shall adopt a resolution approving the proposal to form a benefit district subject to confirmation by the voters of the benefit district.

100602.6. After the board has adopted a resolution approving the proposal to form a benefit district under Section 100602.5, but before the board may levy any assessment, the board shall call an election in the benefit district for the purpose of submitting to the voters the proposition of levying the assessment by the benefit district. The resolution calling the election shall state each of the items required to be contained in the resolution adopted pursuant to Section 100601.5.

100602.7. The board shall submit the proposition of levying an assessment to the voters of the benefit district in accordance with the requirements of Section 53753 of the Government Code.

100602.8. ~~If a majority of the votes cast~~ *the proposition is approved* at the election conducted under this chapter ~~approves the~~

1 ~~proposition~~, the board may levy the assessment pursuant to the  
2 resolution adopted pursuant to Section 100602.

3 100602.9. (a) Any owner or owners of real property, which  
4 is, in whole or in part, within the benefit district, or their legal  
5 representatives, may jointly or severally file with the board a  
6 petition requesting that the real property owned by them or for  
7 which they are the legal representative be excluded from the  
8 benefit district on the ground that the real property sought to be  
9 excluded is not benefited or that the assessment be reduced on the  
10 ground that the assessment exceeds the benefit to that real  
11 property.

12 (b) The real property sought to be excluded or upon which the  
13 assessment is sought to be reduced shall be described by its legal  
14 description and shall be accompanied by a map depicting its  
15 location in relation to the benefit district.

16 (c) The petition shall contain a statement of facts in support of  
17 the petition and shall be acknowledged by the owner or the legal  
18 representative filing the petition.

19 100602.10. Notice of each hearing upon the petition for  
20 exclusion or reduction shall be given in accordance with  
21 subdivisions (d) and (e) of Section 100601.

22 100602.11. At the time and place provided in the notice or at  
23 any time and place to which the hearing is adjourned, the board or  
24 its appointed hearing officer shall hear all of the following:

25 (a) The petition for exclusion or reduction.

26 (b) All evidence or proofs that may be introduced by or on  
27 behalf of the petitioners.

28 (c) All objections to the petition that may be presented in  
29 writing by any person, including the authority.

30 (d) All evidence or proofs that may be introduced in support of  
31 objections to the petition.

32 100602.12. The expenses of giving the notice provided for  
33 herein and of the hearing on the exclusion or reduction petition  
34 shall be paid by the persons filing the petition.

35 100602.13. Upon the hearing on an exclusion or reduction  
36 petition by the board, or upon the record of hearing by a hearing  
37 officer, the board shall order the petition be denied when the  
38 petitioner has not shown by a preponderance of the evidence that  
39 in an exclusion petition his or her real property is not benefited or



1 in a reduction petition that the assessment exceeds the benefit to  
2 the property.

3 100602.14. The board, after the hearing on an exclusion or  
4 reduction petition, shall order one of the following by resolution:

5 (a) In the case of an exclusion petition, order the exclusion of  
6 all or any part of the real property described in the petition upon  
7 its finding that the property will not be benefited by the operations  
8 of the authority in the vicinity of the benefit district.

9 (b) In the case of a reduction petition, order a change in the  
10 benefit assessment to all or any portion of the real property  
11 described in the petition to provide that it not exceed the amount  
12 of benefit derived by the operations of the authority in the vicinity  
13 of the benefit district.

14 (c) Confirm the assessment on the real property subject to the  
15 petition as correctly reflecting the amount of benefit to the real  
16 property.

17 100603. (a) Following formation of the benefit district or  
18 concurrently therewith, if the board deems it necessary to incur a  
19 bonded indebtedness for the acquisition, construction,  
20 development, joint development, completion, operation,  
21 maintenance, or repair of one or more rail transit stations and  
22 related rail transit facilities located within the benefit district, the  
23 board may provide, by resolution, that the bonded indebtedness  
24 shall be payable from special benefit assessments levied within the  
25 benefit district. The resolution shall be adopted by a two-thirds  
26 vote of the members of the board, and shall declare and state all of  
27 the following:

28 (1) That the board intends to incur an indebtedness, by the  
29 issuance of bonds of the authority, for the benefit district which the  
30 board has formed, or intends to form, within a portion of the  
31 authority.

32 (2) The purposes for which the proposed debt is to be incurred,  
33 which may include all costs and estimated costs necessary or  
34 convenient for, incidental to, or connected with, the  
35 accomplishment of the purposes, including, without limitation,  
36 engineering, inspection, legal, fiscal agent, financial consultant,  
37 bond and other reserve funds, working capital, bond interest  
38 estimated to accrue during the construction period, if any, and for  
39 a period not exceeding three years thereafter, and the expenses of



1 all proceedings for the authorization, issuance, and sale of the  
2 bonds.

3 (3) The estimated cost of accomplishing the purposes and the  
4 amount of the principal of the indebtedness to be incurred.

5 (4) That a general description of the benefit district and of each  
6 zone, if any, therein and maps showing the exterior boundaries  
7 thereof are on file with the secretary of the authority and available  
8 for inspection by any interested person.

9 (5) Those special benefit assessments for the payment of the  
10 bonds, and the interest thereon, are proposed to be levied in the  
11 benefit district or zones therein in accordance with the procedures  
12 and approval process set forth in Section 4 of Article XIII D of the  
13 California Constitution.

14 (6) The extent to which, if at all, all or a portion of the revenues  
15 of the authority are to be used to pay the principal of, interest on,  
16 and sinking fund payments for, the bonds, including the  
17 establishment and maintenance of any reserve fund therefor.

18 (7) The time and place set for hearing on the proposed issuance  
19 of the bonds.

20 (8) That, prior to levying a special benefit assessment, the  
21 board shall comply with the notice, protest, and hearing  
22 procedures set forth in Section 53753 of the Government Code.

23 (9) The maximum term the proposed bonds shall run before  
24 maturity, which shall not exceed 40 years from the date of the  
25 bonds or any series thereof.

26 (10) The maximum rate or rates of interest to be paid, which  
27 shall not exceed 12 percent per annum.

28 (11) That the pledge of special benefit assessment revenues to  
29 the bonds authorized by this section has priority over the use of any  
30 of those revenues for pay-as-you-go financing, except to the extent  
31 that this priority is expressly restricted by any of the authority's  
32 agreements with bondholders.

33 (b) The notice stating the time and place of the hearing on the  
34 proposed issuance of bonds shall be published prior to the time  
35 fixed for the hearing pursuant to Section 6066 of the Government  
36 Code. The notice, protest, and hearing procedures for levying the  
37 special benefit assessment shall comply with Section 53753 of the  
38 Government Code.

39 (c) Notice shall also be mailed at least 30 days prior to the  
40 hearing to all owners of real property within the boundaries of the

1 benefit district whose names and addresses appear on the last  
2 equalized assessment roll or are otherwise known to the board of  
3 supervisors of the county in which the benefit district is located or  
4 to the authority.

5 100604. At the time and place fixed for the hearing on the  
6 issuance of bonds payable from special benefit assessments levied  
7 under this chapter, or at any time and place to which the hearing  
8 is adjourned, the board shall proceed with the hearing. Interested  
9 persons may appear at the hearing and present matters material to  
10 the questions set forth in the resolution. At the conclusion of the  
11 hearing on the proposed issuance of bonds, the board shall, by  
12 resolution adopted by a two-thirds vote of the members, determine  
13 whether to incur the bonded indebtedness.

14 The resolution shall state the amount of the proposed debt, the  
15 purposes for which it is to be incurred, and the estimated cost of  
16 accomplishing the purposes. The determinations made in the  
17 resolution are final and conclusive.

18 100605. Special benefit assessments for the payment of the  
19 principal of, and interest on, bonds issued for a benefit district shall  
20 be levied in the benefit district in accordance with the procedures  
21 and approval process set forth in Section 4 of Article XIII D of the  
22 California Constitution. Other revenues of the authority shall be  
23 used for the payment of the principal of, and interest on, the bonds  
24 only to the extent set forth in any agreement of the authority for the  
25 benefit of bondholders.

26 Special benefit assessments in the benefit district and zones, if  
27 any, therein shall be calculated in accordance with the procedures  
28 and approval process set forth in Section 4 of Article XIII D of the  
29 California Constitution.

30 100606. The bonds issued pursuant to this chapter shall bear  
31 interest at a rate or rates not exceeding 12 percent per annum,  
32 payable semiannually, except that the first interest payable on the  
33 bonds or any series thereof may be for any period not to exceed one  
34 year as determined by the board.

35 In the resolution or resolutions providing for the issuance of  
36 bonds, the board may also provide for call and redemption of the  
37 bonds prior to maturity at times and prices and upon any other  
38 terms that it may specify. However, no bond is subject to call or  
39 redemption prior to maturity unless the bond contains a recital to  
40 that effect. The denomination or denominations of bonds shall be

1 stated in the resolution providing for their issuance, but shall not  
2 be less than five thousand dollars (\$5,000). The principal of, and  
3 interest on, the bonds shall be payable in lawful money of the  
4 United States at the office of the treasurer of the authority or at any  
5 other place or places that may be designated by the board, or at  
6 either place or places at the option of the holders of the bonds. The  
7 bonds shall be dated, numbered consecutively, signed by the board  
8 chairperson and chief financial officer, and countersigned by the  
9 secretary and shall have the official seal of the authority attached.  
10 The interest coupons of the bonds shall be signed by the chief  
11 financial officer. The seal and all signatures and countersignatures  
12 may be printed, lithographed, or mechanically reproduced, except  
13 that one signature or countersignature shall be manually affixed.

14 If an officer, whose signature or countersignature appears on the  
15 bonds or coupons, leaves office for any reason prior to the delivery  
16 of the bonds, the officer's signature is as effective as if the officer  
17 had remained in office.

18 100607. The bonds issued pursuant to this chapter may be  
19 sold as the board determines by resolution. The board may sell the  
20 bonds at a price below par.

21 If the board determines by resolution that the bonds shall be sold  
22 by competitive bid, the board, before selling the bonds, or any part  
23 thereof, shall give notice inviting sealed bids in the manner that it  
24 prescribes. If satisfactory bids are received, the bonds offered shall  
25 be awarded to the highest responsible bidder. If no bids are  
26 received, or if the board determines that the bids received are not  
27 satisfactory as to price or responsibility of the bidders, the board  
28 may reject all bids received, if any, and either readvertise or sell  
29 the bonds at private sale or by negotiation, or by other lawful  
30 means.

31 If the board determines by resolution that the bonds shall not be  
32 sold by competitive bid, the board may sell the bonds at public or  
33 private sale, by negotiation, or by other lawful means.

34 100608. Delivery of any bonds issued under this chapter may  
35 be made at any place either inside or outside the state, and the  
36 purchase price may be received in cash or bank credits.

37 100609. All accrued interest and premiums received on the  
38 sale of bonds issued by the authority pursuant to this chapter shall  
39 be placed in the fund to be used for the payment of principal of, and  
40 interest on, those bonds. The remainder of the proceeds received

1 on the sale of the bonds shall be placed in the treasury to secure  
2 those bonds or for the purposes for which the debt was incurred.

3 When the purposes for which the debt was incurred have been  
4 accomplished, any money remaining shall be either (a) transferred  
5 to the fund to be used for the payment of principal of, and interest  
6 on, the bonds or (b) placed in a fund to be used for the purchase  
7 of those outstanding bonds of the authority, from time to time, in  
8 the open market at the prices and in the manner, either at public or  
9 private sale or otherwise, that the board determines. Bonds so  
10 purchased shall be canceled immediately.

11 100610. The board may provide for the issuance, sale, or  
12 exchange of refunding bonds to redeem or retire any bonds issued  
13 by the authority under this chapter upon the terms, at the times, and  
14 in the manner that it determines. Refunding bonds may be issued  
15 in a principal amount sufficient to pay all, or any part, of the  
16 principal of the outstanding bonds issued under this chapter, the  
17 interest thereon, and the premiums, if any, due upon call and  
18 redemption thereof prior to maturity and all expenses of the  
19 refunding.

20 The provisions of this chapter, for the issuance and sale of bonds  
21 apply to the issuance and sale of refunding bonds, except that,  
22 when refunding bonds are to be exchanged for outstanding bonds,  
23 the method of exchange shall be as determined by the board.

24 100611. Any bonds issued under this chapter are legal  
25 investment for all trust funds; for the funds of insurance  
26 companies, commercial and savings banks, and trust companies;  
27 for state school funds; and, whenever any money or funds may, by  
28 any law now or hereafter enacted, be invested in bonds of cities,  
29 counties, school districts, or other districts within this state, the  
30 money or funds may be invested in the bonds issued under this  
31 chapter.

32 Whenever bonds of cities, counties, school districts, or other  
33 districts within this state may, by any law now or hereafter enacted,  
34 be used as security for the performance of any act or the deposit  
35 of any public money, bonds issued under this chapter may be so  
36 used.

37 The provisions of this chapter are in addition to all other laws  
38 relating to legal investments and are controlling as the latest  
39 expression of the Legislature with respect thereto.

1 100612. The board may change the purposes for which any  
2 proposed debt is to be incurred, the estimated cost, the amount of  
3 bonded debt to be incurred, or the boundaries of the benefit district  
4 or zones, if any, therein or one or all of those matters, except that  
5 the board shall not change the boundaries to include any territory  
6 which will not, in its judgment, be benefited by the authority  
7 action.

8 100613. (a) The board shall not change the purposes, the  
9 estimated cost, the boundaries of the benefit district or zones, if  
10 any, therein, or the amount of bonded debt to be incurred until after  
11 it gives notice of its intention to do so, stating each proposed  
12 change in the purpose and stating, if applicable, that the exterior  
13 boundaries proposed to be changed are set forth on a map on file  
14 with the secretary of the authority. The notice shall also specify the  
15 time and place set for hearing.

16 (b) The notice shall be published prior to the time set for the  
17 hearing pursuant to Section 6066 of the Government Code.

18 (c) The notice shall also be mailed at least 30 days prior to the  
19 hearing to all owners of real property affected by the proposed  
20 change whose names and addresses appear on the last equalized  
21 assessment roll or are otherwise known to the board of supervisors  
22 of the county in which the benefit district is located or to the  
23 authority.

24 (d) Any proposed changes to a special benefit assessment shall  
25 follow the notice, protest, and hearing procedures set forth in  
26 Section 53753 of the Government Code.

27 100614. At the time and place fixed for a hearing on changes,  
28 or at any time and place to which the hearing is adjourned, the  
29 board shall proceed with the hearing. At the hearing, interested  
30 persons may appear and present matters material to the changes set  
31 forth in the notice.

32 At the conclusion of the hearing, the board shall, by resolution,  
33 determine whether to make any or all of the changes set forth in  
34 the notice. The determinations made in the resolution are  
35 conclusive and final. Changes to a special benefit assessment shall  
36 be made in accordance with the notice, protest, and hearing  
37 procedures set forth in Section 53753 of the Government Code.

38 100615. All decisions and determinations of the board, upon  
39 notice and hearing, are final and conclusive upon all persons  
40 entitled to appeal to the board as to all errors, informalities, and

1 irregularities which the board might have avoided or remedied  
2 during the progress of the proceedings or which it can, at that time,  
3 remedy.

4 Any objection, appeal, or protest not made at the time of any  
5 hearing is deemed to be waived voluntarily by any person who  
6 might have made the appeal, protest, or objection, and the person  
7 is deemed to have consented to the action taken following the  
8 hearing and any other matter on which objection, protest, or appeal  
9 could have been made.

10 100616. Any action or proceeding, other than a petition for  
11 election pursuant to Section 100602.2, which contests, questions,  
12 or denies the validity or legality of the formation of any benefit  
13 district or zone, the issuance of any bonds therefor pursuant to this  
14 chapter, or any proceedings relating thereto, shall be commenced  
15 within six months from the date of the formation; otherwise, the  
16 formation of the benefit district or zone, the issuance of the bonds,  
17 and all proceedings relating thereto shall be held to be in every  
18 respect valid, legal, and incontestable.

19 100617. When the board has imposed a special benefit  
20 assessment, the secretary shall so certify to the assessor of the  
21 county in which the territory of any benefit district is located and  
22 deliver to the assessor copies of all maps and diagrams of the  
23 benefit district and zones, if any, therein, indicating the amount of  
24 the special benefit assessment to be levied within the benefit  
25 district and zones, if any, therein.

26 Special benefit assessments authorized by this chapter shall be  
27 levied and collected by the county at the same time and in the same  
28 manner as taxes are levied and collected. The county may deduct  
29 its reasonable expenses of collection and shall transmit the balance  
30 of the assessments to the authority.

31 100618. In the event of conflict with any other law, the  
32 provisions of this chapter shall prevail with respect to benefit  
33 districts within the authority.

34 100619. Notwithstanding any other provision of this chapter,  
35 the authority shall not pledge any portion of its general fund  
36 revenues to pay any part of any bonded indebtedness incurred  
37 under this chapter unless required by provisions of the California  
38 Constitution.

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